

May 13, 2025

VIA ECF

Susan E. Bindler
Clerk of Court
U.S. Court of Appeals for the Eighth Circuit
Thomas F. Eagleton Courthouse
111 South 10th Street
Room 24.329
St. Louis, MO 63102

Re: *Custom Communications, Inc., et al. v. Federal Trade Commission*,
Nos. 24-3137 (lead case), 24-3388, 24-3415, 24-3442, 24-3469

Dear Ms. Bindler:

Pursuant to Federal Rule of Appellate Procedure 28(j), Petitioners write to respectfully inform the Court that the Federal Trade Commission has extended the compliance deadline for the Negative Option Rule (the “Rule”) by 60 days.

The Rule originally established a compliance date of May 14, 2025. On May 9, 2025, the Commission decided to “exercise its enforcement discretion” by “deferring the compliance deadline” until July 14, 2025. Statement of the Commission Regarding the Negative Option Rule (May 9, 2025) (attached as Exhibit A). In taking this action, the Commission recognized “the complexity of compliance” with the Rule. *Id.*

As the new compliance date is still only months away, Petitioners respectfully request that the case be scheduled for oral argument as soon as possible.

Respectfully submitted,

/s/ Helgi C. Walker

Helgi C. Walker

Counsel for Petitioners

cc: All counsel of record (via ECF)